

Rec'd PCT/PTO 14 SEP 2005
10/531507 #3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/531,507

International
Filing Date: 14 April 2005

Applicant: Eiji OKI, et al.

Title: OPTICAL NODE DEVICE, NETWORK CONTROL
DEVICE, MAINTENANCE-STAFF DEVICE, OPTICAL
NETWORK, AND 3R RELAY IMPLEMENTATION
NODE DECISION METHOD

Attorney Docket: 5259-000051/NP

Mail Stop PCT
Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

Prior to examination of the present application, please consider the following:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 22 of this paper.

1000 14 SEP 2005 43

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 5259-000051/NP U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/531,507
INTERNATIONAL APPLICATION NO. PCT/JP2004/003301	INTERNATIONAL FILING DATE 12 March 2004 (12.03.2004)	PRIORITY DATE CLAIMED 14 March 2003 (14.03.2003)
TITLE OF INVENTION OPTICAL NODE DEVICE, NETWORK CONTROL DEVICE, MAINTENANCE-STAFF DEVICE, OPTICAL NETWORK, AND 3R RELAY IMPLEMENTATION NODE DECISION METHOD		
APPLICANT(S) FOR DO/EO/US OKI, Eiji, et al.		10/531507

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/531,507	INTERNATIONAL APPLICATION NO. PCT/JP2004/003301	ATTORNEY'S DOCKET NUMBER 5259-000051/NP				
20. Other items or information: Express Mail Transmittal (EV 717 342 771 US); Check in the amount of \$3,260.00; Return Receipt Postcard						
The following fees have been submitted 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr> <td style="text-align: right;">\$ 300.00</td> <td></td> </tr> </table>	CALCULATIONS	PTO USE ONLY	\$ 300.00	
CALCULATIONS	PTO USE ONLY					
\$ 300.00						
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">\$ 200.00</td> <td style="width: 50%;"></td> </tr> </table>	\$ 200.00			
\$ 200.00						
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">\$ 400.00</td> <td style="width: 50%;"></td> </tr> </table>	\$ 400.00			
\$ 400.00						
TOTAL OF 21, 22 and 23 =		900.00				
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)				
372 - 100 =	272 /50 =	6				
		RATE				
		x \$250				
		\$ 1,500.00				
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 0.00				
CLAIMS	NUMBER FILED	NUMBER EXTRA				
Total claims	30 - 20 =	10				
Independent claims	3 - 3 =	0				
		RATE				
		x \$ 50				
		\$ 500.00				
		x \$200				
		\$ 0.00				
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360				
		\$ 360.00				
TOTAL OF ABOVE CALCULATIONS =		\$ 3,260.00				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.		0.00				
SUBTOTAL =		\$ 3,260.00				
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00				
TOTAL NATIONAL FEE =		\$ 3,260.00				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$ 0.00				
TOTAL FEES ENCLOSED =		\$ 3,260.00				
		Amount to be refunded:				
		\$				
		Amount to be charged				
		\$				

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- a. ☒ A check in the amount of \$ 3,260.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Gregory A. Stobbs
HARNESSE, DICKEY & PIERCE, P.L.C.
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Bloomfield Hills, MI 48303
United States of America


SIGNATURE

Gregory A. Stobbs
NAME

28,764
REGISTRATION NUMBER

Dated: September 14, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EV 717 342 771 US

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EXPRESS MAIL TRANSMITTAL

The following papers are being deposited with the United States Postal Service Express Mail Post Office to Addressee on 14 September 2005 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 717 342 771 US);
2. check in the amount of \$3,260.00;
3. Transmittal Letter to the DO/EO/US Concerning
a Filing Under 35 USC 371 (3 pages, in duplicate);
4. Supplemental Preliminary Amendment (22 pages);
5. Return Postcard.

HARNESS, DICKY & PIERCE, P.L.C.
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(248) 641-1600


Susan McGaw